

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BARRY SCHUMAN,)	FILED: MARCH 31, 2008
)	
Plaintiff,)	08CV1827 NF
)	JUDGE NORDBERG
vs.)	MAGISTRATE JUDGE COX
)	
LAW OFFICES OF DONALD)	
S. BURAK, ESQ., LLC,)	
)	
Defendant.)	

COMPLAINT

NOW COMES the Plaintiff, BARRY SCHUMAN, by and through his attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, LAW OFFICES OF DONALD S. BURAK, ESQ., LLC, and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15 U.S.C. § 1692 et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

PARTIES

3. Plaintiff, Barry Schuman, ("Plaintiff"), is an individual who was at all relevant times residing in the City of Chicago, State of Illinois.

4. At all relevant times herein, Defendant, Law Offices of Donald S. Burak, Esq., LLC, ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to Bank of America, N.A.

5. Defendant is a corporation that has its principal place of business and its offices located in the State of Pennsylvania.

ALLEGATIONS
COUNT I
VIOLATIONS OF THE FDCPA v. LAW OFFICES OF DONALD S. BURAK, ESQ., LLC

6. In November of 2007, Plaintiff began receiving telephone calls from a representative of Defendant attempting to collect a debt allegedly owed to Bank of America, N.A.

7. Defendant initially began contacting Plaintiff both at work and on his cell phone about every ten minutes.

8. When Defendant contacted Plaintiff at his place of business it spoke with a salesman and identified himself as “calling from Cook County” and stated it was urgent that Plaintiff return the call. Defendant also spoke with the Human Resources Department.

9. On December 27, 2008, Plaintiff received six telephone calls from Defendant in a period of ten minutes.

10. Plaintiff demanded that Defendant stop contacting him at his place of employment however Defendant responded that it would call as often as it liked.

11. In January of 2008, Plaintiff received a debt collection letter from Defendant dated December 28, 2007, regarding the alleged debt. The letter stated that Plaintiff owed a \$0.00 balance however the letter stated that it was a demand for full payment.

12. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

a. Caused a telephone to ring or engaged any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, harass any person at the called number in violation of 15 U.S.C. § 1692d(5); and

b. Used any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10); and

13. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, BARRY SCHUMAN, by and through his attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY*****

Respectfully Submitted,
BARRY SCHUMAN

By: s/Larry P. Smith
Attorney for Plaintiff

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